

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: STEIN=11

In re Application of:)	Confirmation No. 5701
)	
Shai STEIN et al.)	Art Unit: 2617
)	
Appln. No.: 10/587,931)	Examiner: Michael Y. Mapa
)	
Filed: August 2, 2006)	
)	
For: SUPPORTING MOBILE)	
COMMUNICATIONS SESSION...)	

DECLARATION UNDER 37 CFR 1.131

We, the undersigned Shai Stein and Moredechay Morgenstern, declare and state the following:

We are the inventors of the subject matter described and claimed in the above-identified application.

We invented the subject matter of the rejected claims of the above-identified application prior to February 12, 2004, which is the effective filing date of U.S. patent publication 2004/0196810, over which the present claims were rejected. The above-identified patent publication does not claim the same invention as is presently claimed in our application. We are entitled to a date of invention prior to February 12, 2004, as we conceived of the invention prior to February 12, 2004, and we and patent attorney Helena Levin worked with reasonable diligence to reduce the invention to practice, by filing of a patent application, from prior to February 12, 2004, to the date of filing Israeli patent application 161216 on April 1, 2004, from which the present application claims benefit.

As proof that the present invention was conceived prior to February 12, 2004, reference is made to the following documents, all of which are dated prior to February 12, 2004.

Submitted herewith as Exhibit A is the presentation "Cross Network Service Solutions," originating in ECI Telecom LTD (ECI), Israel, and presented by the undersigned Shai Stein, (at that time the CTO of BroadBand Access Division of ECI), to the ECI Management on a date prior to February 12, 2004. The date redacted from the document contains a month and year of the presentation, which month was entirely prior to February 12, 2004. The concept of the subject matter of the above-identified patent application is presented and illustrated at least on the following pages:

page 5, lines 5, 6 - "roaming and session handoff between two networks (mobile and wireline fixed networks);

page 32 - signaling V.5.2 between DSLAM and Class 5 switch of a mobile network, to support mobile sessions;

page 33 - general block-diagram for Cross Network Subscriber via RNC with mobility: the connection is shown between a Radio Network Controller RNC and an access device (CPE and DSLAM being access node) serving homes in the access network; node B functionality of access device CPE;

page 34 - block diagram of page 33, specifying mobile protocols which can be used for communication sessions taking place via DSLAM;

page 36, CLEC's operational model, lines 4-5 from below: "Integrate control plane agent in a DSLAM for dynamic resource allocation, e.g. emulate PDP protocol used in GPRS (General Packet Radio Service) to establish a session.

Submitted herewith as Exhibit B is a copy of an e-mail sent by the undersigned Shai Stein to Pinny Chaviv, General Manager of the BBA Division of ECI. The date on the email has been redacted, but it is prior to February 12, 2004. In this email, the intention to file a patent application was specified and the main idea of the invention was formulated as follows: "providing base station to wireline subscribers in order to connect them to a mobile core network Integrate the base station as a blade in access platform (DSLAM, DSLAM Aggregator, ... NGDLC, +CPE)." The handwritten mark "+ CPE" was added by the undersigned Shai Stein when handing a copy of the e-mail, with an original sketch, to the patent department on a date prior to February 12, 2004. This sketch had been prepared the undersigned Moredechay Morgenstern and a copy is submitted herewith as Exhibit C.

Prior to February 12, 2004, the patent department prepared a draft patent application for filing in Israel and a copy of this draft application was provided to each of the undersigned by Ms. Helena Levin of the ECI patent department by email on a date prior to February 12, 2004. A copy of that draft is submitted herewith as Exhibit E and a copy of the e-mail with which that draft was sent is submitted herewith as Exhibit D. The date of that email has been redacted but is prior to February 12, 2004.

The documents referred to hereinabove all establish that the invention described and claimed in the above-identified patent application was conceived by us prior to February 12, 2004.

As proof of reasonable diligence, submitted herewith is a showing of facts, by means of our individual declarations and a declaration of our in-house patent attorney, Helena Levin, as well as supporting documentation, that establishes reasonable diligence from prior to February 12, 2004, until the constructive reduction to practice of the present invention by

filing of Israeli patent application 161216 on April 1, 2004, from which the present application claims benefit.


All of the dates redacted from the attached documents were subsequent to January 1, 1996, and all of the activities relating to conception and diligence, as set forth herein and in the supporting declarations submitted herewith, took place in the State of Israel after January 1, 1996.

We hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 8.12.2009


Shai Stein
Chief Technology Officer
eci

Date 7.12.2009


Moredechai Morgenstern